

# **Exhibit 4**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
PENSKE MEDIA CORPORATION,

Plaintiff,

v.

SHUTTERSTOCK, INC.,

Defendant.  
-----X

No. 1:20-CV-04583 (MKV)

**PMC'S RESPONSES AND  
OBJECTIONS TO  
SHUTTERSTOCK'S FOURTH  
SET OF REQUESTS FOR  
PRODUCTION**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Penske Media Corporation, by and through its attorneys, Shapiro Arato Bach LLP, provides the following responses and objections to Shutterstock's Fourth Set of Document Requests ("Requests").

**GENERAL OBJECTIONS**

1. PMC objects to the Requests to the extent they seek to impose obligations that exceed, or are different from, those imposed by the Federal Rules of Civil Procedure, the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, the Individual Rules of Practice for Hon. Mary Kay Vyskocil, or other applicable law.

2. PMC objects to the Requests to the extent they seek documents or information protected from disclosure by any applicable privilege, doctrine, or immunity, including without limitation the attorney-client privilege, the joint defense privilege, and the work-product doctrine. Should any such document or information be produced, the production of such document or information would be purely inadvertent and unintended. PMC reserves the right to seek the return of any inadvertently produced documents or information. Nothing in PMC's responses and objections is intended to be or may be construed as a waiver of the attorney-client

privilege, the joint defense privilege, the work-product doctrine, or any other privilege, doctrine or immunity.

3. PMC objects to the Requests to the extent they seek confidential information.

PMC will produce such documents subject to the protective order that governs this action.

### **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

1. PMC objects to the definitions of “PMC” and “Shutterstock” on the ground that such definitions exceed the scope of a party as set forth in Local Rule 26.3 of the United States District Courts for the Southern and Eastern Districts of New York and seeks to impose obligations that exceed, or are different from, those imposed by the Federal Rules of Civil Procedure 26 and 33. PMC shall construe the Requests reference to PMC and Shutterstock to refer to the parties and their officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. Unless specifically referring to Shutterstock’s defined term, the use herein of “PMC” refers solely to Penske Media Corporation.

2. PMC objects to the definitions of “Document,” and “Communication,” on the grounds that they impose obligations that exceed, or are different from, those imposed by Federal Rule of Civil Procedure 34 and the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

3. PMC objects to the Instructions to the extent they impose obligations that exceed, or are different from, those imposed by Federal Rules of Civil Procedure 26 and 33 and the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York.

**SPECIFIC RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS**

**REQUEST NO. 90:** All Documents and Communications supporting any denial by PMC in response to Shutterstock's Requests for Admission, Set One.

**RESPONSE TO REQUEST NO. 90:**

PMC objects to this Request as overly broad and unduly burdensome to the extent it seeks the production of "[a]ll Documents and Communications." PMC further objects to this Request to the extent it seeks information protected by the attorney-client privilege and the work product doctrine and other applicable privileges and as seeking confidential documents. PMC further objects to this Request as overly broad and unduly burdensome and not proportional to the needs of this case in demanding that PMC produce documents supporting PMC's positions even if PMC does not intend to rely on such documents and as vague and ambiguous. PMC further objects to this request as overly broad and unduly burdensome to the extent it seeks documents regarding any answer that does not contain an unqualified admission. Notwithstanding its objections, PMC will produce non-privileged documents within its possession, custody, or control, if any, that it intends to rely upon in this action.

Dated: New York, New York  
November 4, 2021

SHAPIRO ARATO BACH LLP

By: /s/ Cynthia S. Arato  
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